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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,219	07/23/2001	Juha Rasanen	975.350USW1	4905

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EXAMINER
APPIAH, CHARLES NANA

ART UNIT	PAPER NUMBER
2682	11

DATE MAILED: 04/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/911,219	RASANEN, JUHA	
	Examiner	Art Unit	
	Charles Appiah	2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 July 2001* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *22-42* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *22-42* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *3 & 5* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 22-33, 36, 37, 39, 40 and 41 are rejected under 35 U.S.C. 102(e) as being anticipated by **Lintulampi (6,377,804)**.

Regarding claims 22 and 39 Lintulampi discloses a method for interworking between different radio access networks and interworking device for a telecommunication network comprising at least two radio access networks, comprising:

a radio transceiver device (3) capable of operating with a first radio access network (5), and a second radio access network (7) is attached to the first radio access network attached (see col. 2, lines 33-36), the method comprising the steps of detecting a service request, the service request being received from the network side (see col. 2, lines 21-32), accessing information on conditions for the first and the second radio access network for giving sufficient support for a service requested by the service request and analyzing whether or not the first radio access network and the second radio access network meets the conditions (see col. 4, lines 43-51, col. 5, lines 1-48), and initiating a handover of the radio transceiver device from the first radio access network to the second radio network if the second radio access network meets the conditions but the first radio access network does not (see col. 4, lines 49-60).

Regarding claims 23 and 24 Lintulampi further discloses wherein the conditions comprise a condition whether the requested service exists in the radio access network, wherein the conditions depend on each other (feature of the GSM network detecting that it cannot provide the requested quality of service, col. 4, lines 48-54, col. 5, lines 46-51, col. 5, line 64 to col. 6, line 6).

Regarding claim 25, Lintulampi further discloses that one of the conditions for the first radio access network is a given amount lower than the corresponding condition for the second radio access network (GSM network detecting that it cannot provide the requested quality of service, col. 4, lines 48-54).

Regarding claim 26 and 27, Lintulampi further discloses that the method can be performed in the radio transceiver device or performed in a network control device (see col. 2, lines 33-36).

Regarding claim 28, Lintulampi further shows informing the radio transceiver device of the fact that a handover to the second radio access network is to be initiated (UMTS network accepting handover request, MS being commanded to UMTS network with handover command and the MS making the access attempt after the MS has changed to the UMTS network's cell, col. 4, lines 52-55).

Regarding claims 29 and 30 Lintulampi further teaches that the radio transceiver device is a dual-mode phone which is adapted to be operated in the first radio access network and the second radio access network with either the first or second radio access network being a GSM network (see col. 2, lines 33-36, col. 3, lines 44-51).

Regarding claim 31, Lintulampi further shows that either the second or the first radio access network is a UMTS network (see col. 2, lines 33-36, col. 3, lines 44-51).

Regarding claim 32, Lintulampi further discloses that the service request is a circuit-switched service (see col. 4, lines 4-9).

Regarding claim 33, Lintulampi further disclose that the requested service is a packet service (see col. 4, line 66 to col. 5, line 5).

Regarding claim 36, Lintulampi further discloses that the radio transceiver device is attached to the first radio access network such that it is located in a cell of the first radio access network and connected by air with the first radio access network (see col. 2, lines 1-10, col. 3, lines 18-65).

Regarding claim 37, Lintulampi further shows that the radio transceiver device is also located in a cell of the second radio access network (see Fig. 1).

Regarding claims 40 and 41 Lintulampi further shows that the interworking device is arranged in the radio transceiver device and arranged in a network control device (see col. 2, lines 33-36).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Lintulampi** as applied to claim 22 above, and further in view of **Grube et al. (WO 95/24809).**

Regarding claims 34 and 35 Lintulampi does not specifically disclose wherein an error procedure is initiated when it is detected in the analyzing step that the requested service is not available in any of the networks and in which the error procedure is a notification of the user.

Grube discloses a method for providing alternate communication services based on the geographic location of a target communication unit (see abstract). According to Grube and as illustrated in Fig. 2, when a communication unit initiates a service request identifying a target communication unit in a predetermined geographic region and it is determined that the service is prohibited in that region, a search for an

alternate service is instituted and if an alternate service is not available, the requesting communication unit is denied the request a denial message is provided as a notification of the denial request (see steps 200-210).

It would therefore have been obvious to one of ordinary skill in the art to combine the above teaching of Grube by notifying the unavailability of a service request to the requesting communication unit with the communication system of Lintulampi for the benefit of avoiding wasting of communication resources when a service request cannot be fulfilled with the available resources.

6. Claims 38 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Lintulampi (6,377,804)** as applied to claims 22 and 39 above, and further in view of **Karmi (5,884,157).**

Regarding claims 38 and 42, Lintulampi fails to explicitly teach wherein the analyzing step also analyzes whether a subscriber using the radio transceiver is entitled to use the requested service, as well as the analyzing means being connected to a database for obtaining information regarding conditions of the requested service.

Karmi discloses a method that provides an HLR Interface Facility disposed between the HLR and different customer service databases in a method for supporting multiple service providers as well as interworking facilities (see abstract). According to Karmi, a database query is generated in response the response to the reception of a service request message in order to determine whether a user of a subscriber station subscribes to a service requested in the service request as well as seeking authentication of the subscriber service before providing an expensive service (see col.

4, lines 30-63), reading on determining whether the requesting subscriber is entitled to use the requested service and obtaining information regarding the conditions of the requested service.

It would therefore have been obvious to one of ordinary skill in the art to provide the above teaching of Karmi by providing a database storing subscriber profile information including service options with the system of Lintulampi for the benefit of ensuring that only properly allowed subscribers have access to available requested services.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Penners et al. (5,793,762) discloses a system for providing packet data and voice services to mobile subscribers.

Rune (6,151,495) discloses a generic radio access network.

Jawanda (6,243,581) discloses a system for seamless roaming between wireless communication networks.

Widegren et al. (6,374,112) discloses a flexible radio access and resource allocation in a universal mobile telephone system.

Vazvan et al. (6,400,946) discloses a multimode universal mobile telecommunications system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Appiah whose telephone number is 703 305-4772. The examiner can normally be reached on M-F 7:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 703 305-6739. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703 308-6296 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 306-0377.

CA
April 10, 2003

CHARLES APPIAH
PATENT EXAMINER